



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 5, 2004

ITEM NUMBER:

SUBJECT: NOTICE OF INTENTION TO VACATE EXCESS RIGHT-OF-WAY ON SEA BLUFF DRIVE, EAST OF CANYON DRIVE

DATE: MARCH 25, 2004

FROM: PUBLIC SERVICES DEPARTMENT, ENGINEERING DIVISION

PRESENTATION BY: WILLIAM J. MORRIS, DIRECTOR OF PUBLIC SERVICES

FOR FURTHER INFORMATION CONTACT: ERNESTO MUNOZ, CITY ENGINEER AT 714-754-5343

RECOMMENDATION:

1. Set a public hearing for May 3, 2004, for vacation of excess right-of-way on Sea Bluff Drive, east of Canyon Drive.
2. Adopt a Resolution of Intention to vacate excess right-of-way on Sea Bluff Drive, east of Canyon Drive.

BACKGROUND:

At the request of Mr. Mark Raab of Raab Engineering, on behalf of the property owner, Greg Wallace, the Engineering Division is processing a request to vacate a portion of excess right-of-way on Sea Bluff Drive, east of Canyon Drive, in conjunction with the development of Instant Jungle at 2100 Canyon Drive as Tract 16070.

Tentative Tract Map 16070 was approved by Costa Mesa Planning Commission on January 13, 2003 (see Attachment 1 - Map). The map reflects a proposal to abandon a portion of Sea Bluff Drive. This portion of Sea Bluff Drive, once abandoned, would revert back to the adjacent owner, Greg Wallace. It would then become a part of the land included within this subdivision. Staff conditioned the tentative tract accordingly requiring the owner/developer to apply for a vacation of said right-of-way. Staff also included several Conditions of Approval for the proposed vacation (see Attachment 2 - Conditions of Approval) that will be discussed further in this report.

On March 22, 2004, a report was submitted to the Costa Mesa Planning Commission outlining the proposed vacation as required by Government Code Section 65402. Subsequently, the Planning Commission adopted Resolution PC-04-27 finding that the proposed vacation of excess right-of-way on Sea Bluff Drive, east of Canyon Drive is consistent with the General Plan (see Attachment 3 - Planning Commission Resolution).

ANALYSIS:

Sea Bluff Drive (30.00 feet wide, formerly known as Hamilton Street) was created on the Fairview Highlands Subdivision Tract No. 653 in 1924. This portion of Sea Bluff Drive was never constructed. Sea Bluff Drive is not shown on the Master Plan of Highways.

The area proposed for vacation has no public improvements and is completely unimproved. The terrain consists of wild grass and several trees and gives the appearance that it is a part of Canyon Park. There is an existing force sewer main and power pole with overhead electric and telephone lines located within the subject area. This pre-existing condition requires the City to reserve a public utility easement over the area to preserve the authority of the public utility companies to keep and maintain their facilities in place. The developer has expressed his intent to relocate these facilities outside of the subject vacation area at a later date. This would require coordination and approval by the affected utilities. Southern California Edison, SBC/Pacific Bell, and Costa Mesa Sanitary District are aware of the situation and are prepared to work with the developer to this end.

As a Condition of Approval of Tract 16070, Engineering staff has also conditioned the developer to exclude the westerly 50 feet of Sea Bluff Drive from the vacation area and improve it as a small, gated access/parking area for City maintenance vehicles. This is intended to improve this small corner area for easier access to the north end of Canyon Park.

If the subject area were to be vacated, there would be no impact on the existing street or parkway area. The City sees no future need for the use of the subject area as public right-of-way. The vacation of the subject area would eliminate any City responsibility for its maintenance. Once the excess right-of-way is vacated, the land will revert to the underlying fee title owner and become private property (see Attachment 4 - Resolution).

ALTERNATIVES:

The City could retain the excess right-of-way and continue to be responsible for its maintenance. However, this subject area is currently not improved and serves no public purpose. There are no future plans to extend Sea Bluff Drive over this area.

FISCAL REVIEW:

The City does not own the subject area in fee; therefore, there will be no fair market value compensation to the City in exchange for vacating this excess right-of-way. Once the area is vacated, it becomes taxable square footage, resulting in potential additional property taxes to the adjacent property owner to which the land will revert. This would result in additional revenue to the City.

LEGAL REVIEW:

The City Attorney's Office has approved the attached Resolution as to form.

CONCLUSION:

Staff recommends City Council set a public hearing for May 3, 2004, and adopt the attached Resolution of Intention to vacate excess right-of-way on Sea Bluff Drive, east of Canyon Drive.

ERNESTO MUNOZ
City Engineer

WILLIAM J. MORRIS
Director of Public Services

/ch

- Attachment
- 1 – [Tentative Tract Map 16070](#)
 - 2 - [Conditions of Approval](#)
 - 3 - [Planning Commission Resolution PC-04-27](#)
 - 4 - [Resolution of Intention to Vacate Excess Right-of-Way](#)

Distribution:

- City Manager
- Deputy City Clerk
- City Attorney
- Development Services Director
- Staff

SeaBluffNoticeofIntentReport

3/22/04

9:00 a.m.